



STATE OF WISCONSIN

Senate Journal

1998 Extraordinary Session

10:00 A.M.

FRIDAY, May 1, 1998

The Senate met.

The Senate was called to order by Senator Brian Rude.

The roll was called and the following Senators answered to their names:

Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 32.

Absent – Senators Wirch – 1.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator A. Lasee led the Senate in the pledge of allegiance to the flag of the United States of America.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or En- rolled Number</u>	<u>Publication Date</u>
Senate Bill 181	Wisconsin Act 189	May 11, 1998
Senate Bill 139	Wisconsin Act 190	May 11, 1998
Senate Bill 494 (partial veto)	Wisconsin Act 191	April 30, 1998
Senate Bill 235	Wisconsin Act 196	May 11, 1998
Senate Bill 263	Wisconsin Act 197	May 11, 1998
Senate Bill 285	Wisconsin Act 198	May 11, 1998
Senate Bill 346	Wisconsin Act 200	May 11, 1998
Senate Bill 321	Wisconsin Act 203	May 11, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PRICE, DOLORES A., of Boyd, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

State of Wisconsin

Office of the Governor

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SOBCZAK, NANCY L., of Racine, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

State of Wisconsin
Office of the Governor

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FARRAR, LYNDIA F., of Oregon, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 1998 and for the full term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

State of Wisconsin
Office of the Governor

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CEILLE, MONICA L., of Wauwatosa, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NOREM, LORRAINE A., of Elkhorn, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MATHEWS, DR. EDWIN L., of Whitewater, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2001.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ULLRICH, PETER F., of Cascade, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GRONLEY, BILL, of Reedsburg, as a member of the Prison Industries Board, to serve for the term ending May 1, 2001.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **State Government Operations and Corrections.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, JIM J., of Middleton, as a member of the Prison Industries Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **State Government Operations and Corrections.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ENGELKE, RONALD C., of Hubertus, as a member of the Prison Industries Board, to serve for the term ending May 1, 1999.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **State Government Operations and Corrections.**

**State of Wisconsin
Office of the Governor**

April 28, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BLESSINGTON, ROBERT C., of New Berlin, as a member of the Prison Industries Board, to serve for the term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **State Government Operations and Corrections.**

**State of Wisconsin
Office of the Governor**

April 30, 1998

The Honorable, The Senate:

I am vetoing **Senate Bill 360 in its entirety. This bill would allow brewers and alcohol beverage wholesalers to contribute money or things of value to nonprofit corporations conducting festivals in 2nd Class cities.**

I support the idea of granting nonprofit organizations the opportunity to gain sponsorships for community events. I am concerned, however, the bill will endanger Wisconsin's three-tier system established to help protect beer brewers, distributors and retailers. This was brought to my attention by several constituents. Contributions allowed under this legislation could result in a "tied" relationship between brewer and/or wholesaler and a festival organization. If this occurs, other brewers and wholesalers would be excluded from the opportunity of participating in these events. Forcing small brewers and distributors to "bid" for sponsorship in their own home towns will grant a powerful and unfair advantage to larger businesses who can afford to buy these sponsorships.

Currently this type of sponsorship is only permitted in 1st Class cities. I am directing the Department of Administration to create a task force to study the inequity of granting such sponsorship opportunities based on city size.

I believe Wisconsin provides a friendly atmosphere for small businesses. Small brewers and distributors should compete in the marketplace based on their products and services, not on the amount of assets they are able to contribute to a festival organization in order to be represented.

Sincerely,

TOMMY G. THOMPSON

Governor

**State of Wisconsin
Office of the Governor**

April 28, 1998

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 467	Wisconsin Act 225	April 29, 1998
Senate Bill 490	Wisconsin Act 226	April 29, 1998
Senate Bill 25	Wisconsin Act 228	April 30, 1998
Senate Bill 147 (partial veto)	Wisconsin Act 229	April 30, 1998
Senate Bill 315 (partial veto)	Wisconsin Act 231	April 30, 1998
Senate Bill 254	Wisconsin Act 233	April 30, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 30, 1998

To the Honorable, the Senate:

I have approved **Senate Bill 147** as [1997 Wisconsin Act 229](#) and have deposited it in the Office of the Secretary of State. I have exercised my partial veto authority in Section 22 (4m).

Senate Bill 147 will grant regulatory authority over the provision of water and sewer service by a mobile home park operator to occupants of a mobile home park to the Public Service Commission. I believe that providing a regulatory framework for the provision of water and sewer service will help protect Wisconsin's mobile home occupants from unfair service-related practices and billing.

I am vetoing section 22(4m) which requires the Public Service Commission, by January 1, 1999, to conduct a study on the feasibility and desirability of requiring a mobile home park operator that is, or is wholly controlled by, a city, village, county or town, and provides water service to the occupants of a mobile home park, to provide individually metered service to the park occupants on the same basis that such service is provided to occupants of a single-family residential development. I am vetoing this section because local units of government already have the authority to accomplish individual metering in mobile home parks. The Public Service Commission should have the flexibility to determine billing and metering issues on a case by case basis.

I support the other provision of **Senate Bill 147**, and believe it addresses important issues for mobile home occupants in Wisconsin.

Respectfully,
TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 30, 1998

To the Honorable, the Senate:

I have approved **Senate Bill 315** as [1997 Wisconsin Act 231](#) and have deposited it in the Office of the Secretary of State. I have exercised my partial veto authority in Sections 1, 3, 4, 11, 22, 28, 43, 49, 62, 65m(1), 66(1) and 67(2).

Senate Bill 315 establishes an assessment mechanism on health care providers including physicians, nurses, dentists and others in order to support the collection of claims data from

these providers. This will allow the Department of Health and Family Services' (DHFS) Office of Health Care Information (OHCI) to develop annual consumer guides which can be used by individuals and businesses in selecting a health care provider or a health care plan. The bill also includes numerous provisions on the confidentiality of records, changes the composition of the OHCI Board and gives DHFS greater flexibility in determining health care information needs.

Sections 1, 4 and 66 pertain to OHCI Board members. Section 1 makes the members subject to confirmation by the Senate and part of section 66 pertains to the initial applicability of this provision. I am vetoing these sections because appointments should be based on the expertise of members rather than on political concerns. Section 4 also specifies that five Board members should be health care providers including one nurse and at least two doctors. I am partially vetoing this language to provide that of the five health care providers, two will be physicians. Further, this section, as it relates to physicians appointed to the Board, allows the State Medical Society to recommend up to five physicians to me, one of whom I will appoint to the Board. I am vetoing the words "up to" to ensure that I have a sample of physicians to choose from.

Sections 3 and 11 statutorily create the Bureau of Health Care Information within DHFS. I am vetoing these sections because it limits DHFS' organizational flexibility. DHFS will be reorganizing to split the Division of Health into two division and, in the longer term, may be considering restructuring to accommodate the redesign of the long-term care system. As a cabinet agency, it should be a departmental decision as to where OHCI's functions would best fit.

Section 22 prohibits DHFS from using unique patient identifiers unless the federal government requires this. With the enactment of the federal Health Insurance Portability and Accountability Act, the federal government authorized the development of unique, encrypted patient identifiers nation-wide and mandated their use in the Medical Assistance and Medicare programs. DHFS needs to be able to use the same numbers for its other data collection activities to achieve efficiencies and to integrate all of these systems under the long-term care initiative. Because it is unlikely that such a federal mandate would be made for DHFS' non-MA programs, DHFS would be forced to set up a completely different identifier system which would be counterproductive. I am removing this prohibition through a partial veto of this section.

Section 28 broadens the authority of the Board and requires the Board to work with the Department to develop the overall strategy and direction for the program and to jointly develop all of the administrative rules required under Chapter 153. I am vetoing the provision that requires the Board to develop the rules with DHFS. The Board should be responsible for the broader oversight of the program, and program staff should be responsible for the technical details of rule writing. As under current law, the Board remains responsible for final approval of the proposed rules.

Section 49 establishes the procedure for assessing health care providers with payment to be made to DHFS by December 1. This is accomplished by striking "hospital" and replacing it with "health care provider". I am vetoing this provision in part to retain the current payment deadline for hospitals because the effect of the proposed language change would make all providers subject to the same payment deadline and this may be unworkable. In the same section, DHFS is required to work with the Department of Regulation and Licensing (DRL) to determine a collection mechanism suitable for providers through the issuance or renewal of a license. For hospitals, December 1 is appropriate because it coincides with their fiscal year. In contrast, the licensing process may not coincide with this timetable. By partially vetoing section 49, a workable

payment due date is retained for hospitals and an unspecified due date for health care providers allows DHFS and DRL to develop a flexible collection system.

Section 62 requires all businesses to take actions to make unreadable, by shredding or other means, any personal information before the record is disposed of and section 67 is the effective date of that provision. This proposal resulted from an investigation in Milwaukee where reporters found records which contained personal information in garbage dumpsters. I strongly support the concept of preventing access to personal information by unauthorized persons and I appreciate the effort of the legislators who brought this issue to my attention. However, I am also concerned that the approach in the bill, which will affect 308,000 businesses in the state, is too general and may place undue burdens on small businesses which would be required to obtain equipment to erase or shred documents. I believe the requirements should be more tailored depending on business type or size. I also believe that this issue is not germane to the bill dealing specifically with the collection of health care data. For these reasons, I am vetoing these sections and requesting the Legislature to work with my office to develop a more narrowly defined proposal in separate legislation which will be subjected to public debate. I am also vetoing that part of section 67 which contains the effective date for this provision because I removed the policy language.

Section 65m provides \$5,200 GPR to the Medical College of Wisconsin to conduct a study on how to adjust caseload for case mix and severity at a teaching hospital. The language explicitly requires that DHFS contract with the Medical College of Wisconsin for this study. I am vetoing this provision in part to still require such a study, but to allow DHFS to have the flexibility to determine the contract process.

Finally, section 43 deletes the reference to health care providers as defined in administrative rules. This reference should be restored through my veto because DHFS uses different definitions of health care provider depending on the program. Allowing them to define in rule which group they are referring to is appropriate.

Respectfully,
TOMMY G. THOMPSON
Governor

Senator Ellis, with unanimous consent, asked that **Assembly Bill 351** be considered for action at this time.

Assembly Bill 351

Relating to: sentences for felony offenses, parole, community supervision, granting rule-making authority and providing penalties.

Read a second time.

LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Wirch be granted a leave of absence for today's session.

Senator Chvala, with unanimous consent, asked that the Senate rise for a moment of silence in memory of the mother of Senator Wirch.

Senator Huelsman moved that Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 17.

Noes – Senators Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski and Wineke – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

Senator Huelsman moved that Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 17.

Noes – Senators Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski and Wineke – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 351**?

Adopted.

Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 351** offered by Senators Plache, Clausing, Burke, Risser, Jauch and Wineke.

Senator Huelsman moved that Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 351** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 17.

Noes – Senators Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski and Wineke – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 351**?

Adopted.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 351**.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 351**.

Assembly Bill 351

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Panzer, Plache, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 28.

Noes – Senators George, Moore, Risser and Wineke – 4.

Absent or not voting – Senator Wirch – 1.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Ellis, with unanimous consent, asked that **Assembly Bill 463** be considered for action at this time.

Assembly Bill 463

Relating to: unborn children who are at substantial risk of serious physical injury due to the habitual lack of self-control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

Read a second time.

Senator Moore, with unanimous consent, asked that the Senate stand informal until 12:11 P.M..

12:08 P.M.

STOOD INFORMAL

12:11 P.M.

The Senate reconvened.

Senator Rude in the chair.

IN THE CHAIR

12:17 P.M.

Senator A. Lasee in the chair.

Senator Huelsman moved that Senate amendment 1 to **Assembly Bill 463** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 463** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 21.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser and Wineke – 11.

Absent or not voting – Senator Wirch – 1.

Tabled.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 463**?

Adopted.

Senate amendment 5 to **Assembly Bill 463** offered by Senators Darling, Rosenzweig, Panzer and Roessler.

Senate amendment 1 to Senate amendment 5 to **Assembly Bill 463** offered by Senator Moore.

Senate amendment 6 to **Assembly Bill 463** offered by Senators Plache and Moore.

Senator Grobschmidt, with unanimous consent, asked that the journal show he should have voted no on the tabling of Senate amendment 1 to **Assembly Bill 463**.

Senator Risser, with unanimous consent, asked that Senate amendment 3 to **Assembly Bill 463** be placed after Senate amendment 6 to **Assembly Bill 463**.

The question was: Adoption of Senate amendment 4 to **Assembly Bill 463**?

Adopted.

Senator Huelsman moved reconsideration of the vote by which Senate amendment 4 was adopted.

The question was: Shall the vote by which Senate amendment 4 to **Assembly Bill 463** was adopted be reconsidered?

Reconsidered

The question was: Adoption of Senate amendment 4 to **Assembly Bill 463**?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser, Shibilski and Wineke – 12.

Noes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 20.

Absent or not voting – Senator Wirch – 1.

Adoption Refused.

Senator Darling, with unanimous consent, asked that the Senate stand informal until 1:16 P.M..

1:12 P.M.

STOOD INFORMAL

1:16 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Senator Huelsman, with unanimous consent, asked that Senate amendment 5 to **Assembly Bill 463** be placed after Senate amendment 3 to **Assembly Bill 463**.

Senator Plache, with unanimous consent, asked that Senate amendment 6 to **Assembly Bill 463** be withdrawn and returned to author.

Senate amendment 1 to Senate amendment 3 to **Assembly Bill 463** offered by Senator Huelsman.

The question was: Adoption of Senate amendment 1 to Senate amendment 3 to **Assembly Bill 463**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Assembly Bill 463**?

Adopted.

Senate amendment 7 to **Assembly Bill 463** offered by Senator Moore.

Senator Huelsman, with unanimous consent, asked that Senate amendment 5 to **Assembly Bill 463** be placed after Senate amendment 7 to **Assembly Bill 463**.

Senator Huelsman moved that Senate amendment 7 to **Assembly Bill 463** be laid on the table.

The question was: Shall Senate amendment 7 to **Assembly Bill 463** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 18.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski and Wineke – 14.

Absent or not voting – Senator Wirch – 1.

Tabled.

The question was: Adoption of Senate amendment 1 to Senate amendment 5 to **Assembly Bill 463**?

Adopted.

The question was: Adoption of Senate amendment 5 to **Assembly Bill 463**?

Adopted.

Senator Ellis, with unanimous consent, asked that **Assembly Bill 221** be considered for action at this time.

Assembly Bill 221

Relating to: causing harm or death to an unborn child and providing penalties.

Read a second time.

Senator Moore, with unanimous consent, asked that Senate substitute amendment 1 to **Assembly Bill 221** be placed after Senate substitute amendment 2 to **Assembly Bill 221**.

Senator Welch moved rejection of Senate substitute amendment 2 to **Assembly Bill 221**.

The question was: Rejection of Senate substitute amendment 2 to **Assembly Bill 221**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 20.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser, Shibilski and Wineke – 12.

Absent or not voting – Senator Wirch – 1.

Rejected.

IN THE CHAIR

2:00 P.M.

Senator Drzewiecki in the chair.

Senator Welch moved rejection of Senate substitute amendment 1 to **Assembly Bill 221**.

The question was: Rejection of Senate substitute amendment 1 to **Assembly Bill 221**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 21.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser and Wineke – 11.

Absent or not voting – Senator Wirch – 1.

Rejected.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 221**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 221**?

Adopted.

Senator Welch moved rejection of Senate amendment 3 to **Assembly Bill 221**.

The question was: Rejection of Senate amendment 3 to **Assembly Bill 221**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 22.

Noes – Senators Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser and Wineke – 10.

Absent or not voting – Senator Wirch – 1.

Rejected.

Senator Welch moved rejection of Senate amendment 4 to **Assembly Bill 221**.

The question was: Rejection of Senate amendment 4 to **Assembly Bill 221**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 20.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser, Shibilski and Wineke – 12.

Absent or not voting – Senator Wirch – 1.

Rejected.

Senator Moore, with unanimous consent, asked that Senate amendment 5 to **Assembly Bill 221** be withdrawn and returned to author.

Senator Moore, with unanimous consent, asked that Senate amendment 6 to **Assembly Bill 221** be withdrawn and returned to author.

Senator Moore, with unanimous consent, asked that Senate amendment 7 to **Assembly Bill 221** be withdrawn and returned to author.

Ordered to a third reading.

Senator Welch, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 221

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Breske, Burke, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 22.

Noes – Senators Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser and Wineke – 10.

Absent or not voting – Senator Wirch – 1.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Assembly Bill 463

Relating to: unborn children who are at substantial risk of serious physical injury due to the habitual lack of self-control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

Read a second time.

Senate amendment 8 to **Assembly Bill 463** offered by Senators Huelsman and Risser.

The question was: Adoption of Senate amendment 8 to **Assembly Bill 463**?

Adopted.

Senate amendment 9 to **Assembly Bill 463** offered by Senators Plache and Moore.

Senator Huelsman moved that Senate amendment 9 to **Assembly Bill 463** be laid on the table.

The question was: Shall Senate amendment 9 to **Assembly Bill 463** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 19.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Shibilski and Wineke – 13.

Absent or not voting – Senator Wirch – 1.

Tabled.

Senate amendment 10 to **Assembly Bill 463** offered by Senator Moore.

IN THE CHAIR

3:05 P.M.

Senator Rude in the chair.

Senator Huelsman moved rejection of Senate amendment 10 to **Assembly Bill 463**.

The question was: Rejection of Senate amendment 10 to **Assembly Bill 463**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 20.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser, Shibilski and Wineke – 12.

Absent or not voting – Senator Wirch – 1.

Rejected.

Senate amendment 11 to **Assembly Bill 463** offered by Senator Risser.

Senator Huelsman moved that Senate amendment 11 to **Assembly Bill 463** be laid on the table.

The question was: Shall Senate amendment 11 to **Assembly Bill 463** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Moen, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 23.

Noes – Senators Burke, Chvala, Clausing, George, Jauch, Moore, Plache, Risser and Wineke – 9.

Absent or not voting – Senator Wirch – 1.

Tabled.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 463

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Schultz, Shibilski, Weeden, Welch and Zien – 20.

Noes – Senators Burke, Chvala, Clausing, Decker, George, Moen, Moore, Plache, Risser, Rosenzweig, Rude and Wineke – 12.

Absent or not voting – Senator Wirch – 1.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Chvala, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the memory of Dorothy Wirch, late mother of Senator Robert Wirch.

Senator Drzewiecki, with unanimous consent, asked that when the Senate adjourns today it do so in honor of “Trzeciego Maja”, May 3, 1998, which marks the 207th anniversary of the signing of the Polish Constitution on May 3, 1791.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Tuesday, May 5 at 10:00 A.M..

Adjourned.

3:41 P.M.